

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FENN FARM and THREE RIVERS CATTLE, LTD, CO.

Plaintiffs,

v.

No. 2:20-CV-00468-CG-GJF

NEW MEXICO DEPARTMENT OF GAME
AND FISH; MICHAEL SLOANE, DIRECTOR
OF THE NEW MEXICO DEPARTMENT OF
GAME AND FISH, in his individual and official
capacity; NEW MEXICO GAME COMMISSION;
SHARON SALAZAR HICKEY, CHAIR OF THE
NEW MEXICO GAME COMMISSION, in her
individual and official capacity; ROBERTA
SALAZAR-HENRY, VICE-CHAIR OF THE NEW
MEXICO GAME COMMISSION, in her individual
and official capacity; JIMMY BATES, MEMBER OF
THE NEW MEXICO GAME COMMISSION, in his
individual and official capacity; GAIL CRAMER,
MEMBER OF THE NEW MEXICO GAME
COMMISSION, in her individual and official
capacity; TIRZIO LOPEZ, MEMBER OF THE NEW
MEXICO GAME COMMISSION, in his
individual and official capacity; DAVID SOULES,
MEMBER OF THE NEW MEXICO GAME
COMMISSION, in his individual and official capacity,
and JEREMY VESBACH, MEMBER OF THE NEW
MEXICO GAME COMMISSION, in his individual
and official capacity,

Defendants.

**DEFENDANTS NEW MEXICO DEPARTMENT OF GAME AND FISH AND
DIRECTOR MICHAEL SLOANE'S MOTION TO DISMISS PURSUANT TO RULE
12(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendants, New Mexico Department of Game and Fish and Michael Sloane, Director of the New Mexico Department of Game and Fish, respectfully move the Court for an Order

dismissing this action as to them pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Counsel for Fenn Farm and Three Rivers Cattle, LTD, Co., indicate that they oppose this motion. This request for dismissal of the claims asserted against these Defendants is based on this Motion and the accompanying Memorandum.

Respectfully submitted,

/s/ Joseph Goldberg
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Attorneys for Defendants New Mexico Department of Game and Fish and Michael Sloane, Director of the New Mexico Department of Game and Fish

CERTIFICATE OF SERVICE

I certify that on May 29, 2020, the foregoing was filed electronically through the CM/ECF system, and a copy was served via e-mail to counsel for the Plaintiffs as follows:

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/s/ Joseph Goldberg
Joseph Goldberg